

AZOREAN AUTONOMOUS REGION

Regional Legislative Assembly

Legislative Regional Decree Nr. 15/2004/A

Protection regime for the valuation of the cultural patrimony of the Classified zone of the city of Angra do Heroísmo

In December of 1983, UNESCO enrolled the central zone of the city of Angra do Heroísmo in the list of the world patrimony, as a conjunct of exceptional universal value. In fact, Angra, as a “transatlantic city” with unique characteristics, reared to respond to the needs of the great maritime routes of the navigation by sail, testifies a world historical period. From this time on the city has kept a progressive and wised urban design, as well as a dense and monumental conjunct, which is still able to give it exceptional characteristics.

The importance of the city as intercontinental maritime intersect, has disappear more than two centuries ago. This fact has, in a certain way, affected its development and expansion, allowing thus the conservation of all its characteristics of traffic network, as well as an homogeneous buildings’ conjunct, of religious and civil architecture, guarded by two majestic fortresses, which, in a more dynamic situation could have been lost.

This reality represents an unthinkable value, in terms of constructed patrimony, not only by what it testifies, in relationship to a large historical period of mankind, but also by what it represents as a social occupation of an uneven ground, genially utilized in its relieves and trouble winds, for the implementation of its most beautiful buildings.

Severely damaged by the earthquake of 1st January 1980, Angra do Heroísmo has been presented as an example of a rebuilding process, which today, after passing two decades, is motive of proud to the Angrenses. The rebuilding process has awaken the interest for the restoration of the conjunct and a renewed taste for its value and meaning. From the restoration process a new city has born, looking safer, and yet maintaining its characteristic look, as well as preserving its urbanistic and architectonic inheritance.

Due to these facts, the international classification which recognizes its merits of insular city, with honours for the country and for the Azores, was given local recognition through the Legislative Regional Decree Nr.15/84/A, 13th April, by the autonomous regional administration, with the adequate juridical framing, aiming at preserving and valuing the historical centre, while accounting for its functions as civic centre - political, administrative, cultural and economic - of regional importance, without impeding the expansion of the living conjunct, which Angra do Heroísmo keeps on being. This juridical framing has maintained as well, within the level of the internal right, in which it pioneers the introduction of the concept of classified conjunct, the preservation and valuing of a site which became a Portuguese historical landmark - since the resistance to Philip the II until the Restoration, since the liberty campaigns until the new Portuguese Atlantic routes - preserving on the streets, the stones, the houses, the churches and battlements a notion of nobility and confirmation which is good to remember, if not to reveal, to the citizens of today and tomorrow.

On the other hand, the Monte Brasil, being a hill with craters from ancient volcanoes, occupying a peninsula dominant over the city of Angra do Heroísmo, holds within its space the Fortress of S. João Baptista, one of the largest and important fortresses ever built and an unforgettable landmark of the European expansion.

Named as S. Philip till the Portuguese Restoration in 1640, the Fortress of São João Baptista has been serving, since the XVI century, as military quarters for the several unities which, after successive reforms, have occupied its installations. By the Decree Nr. 32973, 18th August of 1943, the S. João Baptista Church, the Fortress and the battlements were classified as landed property of public interest, having in mind its preservation and protection, due to the fact that this multientury fortress was frequently outraged. However, the legislative measure has not achieved the expected results, because the most damaging demolitions and modern constructions took place during the decades of 1950s and 1960s. Besides this aspect, there is the fact that Monte Brasil constitutes a natural park of the city, colonized by arboreous and underbrush species of special interest, with excellent belvederes, not only toward the urban conjunct as also over the entire south coast of Terceira island, the islets of Cabra and Fradinhos and over the islands of S. Jorge and Pico.

Monte Brasil becomes thus not only the centre of one of the riches zones of landscapes of Terceira island, but also a zone impregnated by the Azorean historical events of the last four centuries, many of which took place precisely within the battlements of its fortress. For these reasons, through the regional Decree 3 3/80/A, 7th February, the peninsula of Monte Brasil was classified as zone of protected landscape, being, through this diploma, created a protection zone, which went on along the West coast till S. Mateus.

After 15 years over the publication of the Legislative Regional Decree 3 15/84/A, 13th April, the results coming from its application, to which must be added the successive recommendations from UNESCO and the adoption of some orientations brought about by the Convention for the Protection of the World Natural and Cultural Patrimony, from the Recommendation of Nairobi, related to the safety of the historical conjuncts and to its function on the daily life, and also from the International Letter for the Safeguard of the Historic Cities, approved by the ICOMOS, conduced to the revision of the diploma. This was done through the Legislative Regional Decree Nr. 29/99/A, 31st July, by which, over and above the elimination of the discretionary competencies attributed to the competent member of the government in the matter of culture, the integration of Monte Brasil in the classified zone was effected, being its limits redefined. Another special area of protection of the classified zone was created, being its borderline defined through a formula which allowed the integration of the zones conditioned and super conditioned of Monte Brasil's Protected Landscape, thus solving this long lasting problem related to the protection of those zones.

On the other hand, and through this diploma it was pretended to eliminate general and undetermined concepts, either through its extinction or its exemplified explanation. Care was taken, yet, in tracing the basic lines ruling the plan of safeguard and valuation foreseen for the Angra do Heroísmo's Classified Zone. Also due to the notorious outdate of its value, the fines in force where adjusted to values already in practice by the town councils.

After the entrance in force of the Legislative Regional Decree 3 29/99/A, 31st June, the regime of incentives to the preservation and valuation of the architectural patrimony in the classified zone and in the zone of protection was reviewed, having been regulated by the Regional Regulatory Decree Nr. 14/2000/A 23th May. The same was done about the

structure of the Gabinete of Angra do Heroísmo Classified Zone, which was fixed by the Regional Regulatory Decree Nr. 7/2000/A 10th February.

More recently, the Law of Bases for the Politics and the Regime of Protection and Valuation of the Cultural Patrimony - Law 3 107/2001 8th September, changed profound and significantly the juridical framing for the safeguard and valuation of the classified zone of Angra do Heroísmo, thus turning necessary to proceed to changes in several adjustments on regional legislation about this matter.

The mere attribution of the title of national monument to the properties and conjuncts subject to international classification brought about the obligation of the classification of the central zone of Angra do Heroísmo as a national monument, which, in consequence, brings new responsibilities in its preservation and valuation. Also the regime of counter-ordinations fixed in that law is more restrictive, which implies the revision of the one in force, the same happening in relationship to some of the concepts used in the regional legislation, which now must be reviewed under the Law of Bases.

On the other hand, the process of elaboration of the plan of detail and safeguard of the classified zone is now finished, having shone, on the analysis of the reports from the technicians and other experts' reports, the need to give more flexibility to the management of the classified zone. This will result in that, while maintaining and even reinforcing the safeguard of the patrimonial values which characterise the town, it will allow the introduction of some contemporaneous traces in the architecture of Angra do Heroísmo, continuing in this way its enrichment while facilitating to each generation a contribution to the valuation of the urban network.

The Regional Legislative Assembly decided, in the terms of the paragraph c) Nr. 1 of the article 227th from the Constitution, of the paragraph e) Nr.1 of the article 31st of the Politic-Administrative Statute and the Law Nr. 107/2001, from 8th September, the following:

CHAPTER I

General norms

Article 1st

Object

The present diploma establishes the classified zone as a conjunct of public interest for the city of Angra do Heroísmo and develops the basis for the regime of protection and valuation of the cultural patrimony.

Article 2nd

Ambit of the classification

1 - The zone classified as conjunct of public interest, in the terms defined by the international right, includes the central zone of the city of Angra do Heroísmo, which passes to be designated as national monument, in the terms of the two decisions, Nr. 3 and Nr. 7 from the article 15th of the Law Nr. 107/2001, from 8th September.

2 - Beyond the limits defined for the classified zone, it is established its respective zone of protection.

3 - Other classifications of the proprieties located in the classified zone or in the zone of protection, are integrated, depending on their location, in the classifications foreseen in previous numbers.

Article 3rd

Delimitation

1 - The classified zone of the city of Angra do Heroísmo is limited as follows:

On the South side, by the see;

On the land side, its delimitation begins by the East, in the Baía das Águas, comprehending the entire area of Corpo Santo and prolonging by the limits of the proprieties of the Rua da Guarita till the Largo de S. Bento;

From there, follows the course of the Ribeira de S. Bento, flexing to West through the North limit of the ancient Convento de Santo António dos Capuchos.

Descends through the Avenida do Conde Sieuve de Meneses until crossing with Rua do Prof. Augusto Monjardino, from where it follows until the Largo do Desterro, flexing to the North towards Ermida do Desterro, and following its extremes;

Follows the extremes of the proprieties on the North side of the Rua do Beato João Baptista Machado and the Bairro de S. João de Deus until its crossing with the prolongation of the axis of the Ladeira das Dadas, flexing then to West along the extremes of the proprieties of this hill till the Caminho Fundo;

Crosses the Caminho Fundo in a perpendicular to its axis and keeps following in a polygonal line through the extremes of the Northeast side of the proprieties from the Rua da Pedreira till its interception with the Rua do Chafariz Velho;

Afterwards, it climbs through the extremes of the Northeast side of the proprieties of the Chafariz Velho till meeting with the narrow trail which runs on the direction West-East, with an entry through the Rua do Chafariz Velho, on the North side of a building from this street which has the number 28;

Follows the axis of the trail, running to West till the axis of the Rua do Chafariz Velho, descending to South through the axis of this street till its interception with the prolongation of the axis of the Rua do Padre Máximo;

Runs to Southeast through the axis of the Rua do Padre Máximo, continuing through the axis of the Rua do Dr. Nogueira Sampaio until intercepting the axis of the Canada Nova de Santa Luzia;

Proceeds to South through the axis of the Canada Nova de Santa Luzia inflecting to West on the North side of the extremes of the Centro Cultural e de Congressos de Angra do Heroísmo, following the extremes of the proprieties of the North side of Rua de São Pedro, till its interception with the centre of the circular place at the Portões de São Pedro;

From the Portões de São Pedro it follows in straight line to the sea shore, through the prolonging of the axis of the Rua do General Fernando Borges.

2 - The limits defined in the previous number are represented in a designed format, in an annex which is part of this diploma.

3 - Doubts concerning the interpretation of the plant, annexed to the present diploma, could be solved throughout the consultation of the original document, in a scale of 1:5000, kept for the matter in the Câmara Municipal de Angra do Heroísmo.

Article 4th

Protection zone

1 - Over and above the limits defined on the preceding article, a protection zone is established, being delimited on the following way:

On the South side, by the see;

On the land side, its delimitation begins in the coastal line, proceeding through the watercourse of the Grota dos Calrinhos till its interception with the Avenida de Jácome de Bruges following its axis till the Rotunda da Praça dos Toiros, continuing through the axis of the Via de Victorino Nemésio til the Rotunda do Estádio João Paulo II;

From there, flexes to the West along the axis of the external circular road till the Cais da Silveira.

2 - The protection zone limits referred on the preceding number are designed in the annex to this diploma.

3 - The protection zone is an area of administrative compulsory service, which forbids any kind of allowance for construction or other works which may alter the topography, the alignments, the templates and, in general, the volumes and external covers or coatings of the buildings, conceded by the municipality or any other entity other than the Regional Government through its competent department in the matter of culture.

4 - Works regarding the changing of the proprietaries' interior and the interventions obeying what is prescribed by the detail plan of safeguard for the protection zone are excluded from the preceding number.

Article 5th

Characteristic aspect

1 - The classified zone of the city of Angra do Heroísmo ought to preserve its characteristic aspect, thus impeding any works of construction, reconstruction, modification or demolition which could alter significantly the referred aspect or any fundamental element of its constructed patrimony.

2 - The elements considered fundamental in the constructed patrimony of the classified zone of Angra do Heroísmo are:

- a) The urban structure defined by the implantation of the buildings, determining in this way the public spaces like streets squares and gardens, and the private spaces like gardens and common grounds;
- b) The shape, colour and inclination of the roofs;

- c) The traditional building materials and coverings, without counting the changes introduced by the technological evolution, as long as these do not interfere negatively with the characteristic aspect of the town;
- d) The form, shape design and dimensions of the window-framework;
- e) The form, dimension and rhythm of the façade empty spaces;
- f) The high and templates of the buildings;
- g) The frames and masonries, meaning indentations, corners, pilasters, plat bands and balconies, as well as respective colours and dimensions traditionally adopted;
- h) The buildings' structure, its internal typology, and the traditional constructive technologies;
- i) The differences of altimetry among the buildings, namely those derived from the pronounced slope of the streets;
- j) The relationships between constructed spaces and the others not constructed, gardens, bushes, common grounds, squares and paved streets;
- k) The balconies, verandas and platforms, and their respective designs and dimensions;
- l) The ceramic tile, its dimension and colour and its edges or weatherboards in double or single layer;
- m) The walls and “hand praying” shaped chimneys;
- n) The materials and design of the street pavements.

Article 6th

Complementarities

The measures foreseen on the present diploma are understood as not impairing others concerning the protection of the natural or cultural patrimony, applicable to the entire classified zone, or to any of its proprieties or aspects, when more restrictive.

CHAPTER II

Detail plan of safeguard

Article 7th

Detail plan of safeguard

1 - The classified zone and its protection zone are subject of a detail plan of safeguard which will embody the norms included in this diploma, impairing thus any kind of works which counteract what is established on the referred plan.

2 - The detail plan of safeguard, as well as all the planning instruments for ordering the territory if or when affecting the classified zone and respective protection area, ought to be subordinated to the present diploma.

3 - The detail plan of safeguard should contain specific measures for the promotion, safeguard and valuation of the cultural patrimony of the classified zone of the city, its re-qualification and development, as guaranty of the environmental and life quality, which should be subordinated to the respect and promotion of the patrimonial values of the city of Angra do Heroísmo and its history.

4 - The detail plan of safeguard ought to enclose, namely:

- a) A list of the historical structures and buildings which, by their architectonic characteristics, external and internal, ought to be rebuild or restored with reutilization of still existing materials or with materials of the same nature;
- b) A list of the buildings which may be restored with materials similar to the originals, indicating the appropriated techniques and measures anti-seismic to be adopted;
- c) The norms to be followed on the modification of the original dimensions of the openings on the façades and of the level of the roofs and its inclinations;
- d) The covering materials for the façades and its composition, and the type of tiles to be used on the covering of the roofs, having in consideration the reasonability and effectiveness of their application, as well as the existing technologies and materials;
- e) On the areas where it is considered relevant, the economic and social use correspondent to each building and the means forecast to allow the preservation of the social vocation of the historic centre;
- f) The actual and the future dimensions of the roadways and sidewalks and the respective materials, as well as the design foreseen for future arrangements of streets;
- g) The alignments and profiles of the buildings over the streets and over the common grounds, as well as the wideness, profundity and height admissible on the constructions for each portion of the urban zone;
- h) The characteristics, proportions and dimensions of the façades and typology of the voids, colours and materials admissible for each portion of the urban zone;
- i) The ground plots reserved for works of public utility and for arrangements and placement of vegetation, with volumetric identification and typology of the buildings to be construct;
- j) The specific norms for the conservation protection and environmental valuation of Monte Brasil;
- k) The specific norms for the conservation, protection and environmental valuation of the public spaces, parks and gardens;
- l) The definitions of the zones where it is mandatory to proceed to the interment of the wire nets for energy distribution, telecommunications or other services of the kind;
- m) The specific norms for protection of the existing archaeological patrimony.

Article 8th

Elaboration of the detail plan of safeguard

1 - The Câmara Municipal de Angra do Heroísmo is the competent entity for the elaboration of the detail plan for the safeguard, which, after having obtained the favourable opinion from the member of the Regional Government with competence in the matter of culture, is then rectified through regional regulating decree.

2 - Without impairment of the decided on the preceding number, in what concerns the elaboration of the detail plan of safeguard, the means legally foreseen for the detail plans should be considered, with the necessary adaptations.

3 - Without impairment of the decided on the following number, and observing the means used on the preceding numbers, the detail plan of safeguard shall be subject of triennial revisions.

4 - If the autarchy does not submit the proposal of revision of the detail plan of safeguard to the opinion of the member of the Regional Government with competence in the matter of culture, the extension of that plan to the immediate triennial shall be considered automatically approved.

5 - After the period of interdiction fixed on number 3 of the present article, the Câmara Municipal may then take the initiative to review the plan, restarting the counting process of that period with the approval of the revision.

CHAPETR III

Preservation, defence and valuation of the patrimony

Article 9th

Intervention typologies

To the intents and purposes of the present diploma, the interventions which may take place on the constructed patrimony located at the classified zone and its protection area are subordinated to the following typologies:

- a) Maintenance - periodic and continuous preservation of the propriety, including painting and re-tilling;
- b) Repair - accomplishment of the small and large dimension interventions doomed to maintain the functionality and the characteristics of the propriety, including the substitution of framings and coverings and the repairing of the coatings;
- c) Recovery - profound intervention doomed to reconstitute the characteristics of the propriety;
- d) Restoration - recovery of the architectonic elements which may be degenerated or have disappeared;
- e) Adaptation - alteration of the social, cultural or economic purpose of the propriety or structure;
- f) Demolition - total or partial removal of a propriety or any other constructed element;
- g) Reconstruction - reconstitution of the propriety or of constructive elements which authenticity may be irrecoverable;
- h) Construction - edification of new structures in empty zones or in substitution of demolished proprieties or structures.

Article 10th

General norms for intervention

Over and above the principles legally accepted for each type of edifications, within the classified zone of Angra do Heroísmo, the safeguard of the constructed patrimony implies the submission to the following rules for any intervention on the edified patrimony:

- a) The buildings and walls' alignments over the streets and common grounds as well as their respective levels and heights shall be maintained as they are, except when differently established by the plan of safeguard and valuation in force;
- b) Within the classified zone, the pavement of the streets shall be in basaltic parallelepiped, being acceptable for squares, sidewalks and walking or semi-walking zones decorations with limestone parallelepipeds or other dignified materials, which should be used also for demarking crossing street's passages or other traffic signalization, being forbidden the use of inks or varnishes on the pavements;
- c) The architectonic characteristics as well as the history of the existing proprieties, namely their implementation, height, volume and the configuration of the roof, shall be respected, except when disposed otherwise by the plan of safeguard and valuation in force;
- d) The enlargement of the façade's high on the existing buildings may only be authorized when it is doomed to re-establish the urbanistic equilibrium of a certain place and the building in cause is not considered of relevant historic interest or is not a unique landmark of previous street organizations;
- e) Except when justified by the unevenness of the ground, and thus showing specifically mentioned in the plan for safeguard and valuation, the construction of buildings with the high of the façade superior to three floors, excluding the basements, is not authorized;
- f) The roof windows or garrets, shall be disposed in such a way as to not damage the equilibrium and symmetry of the existing constructions, as well as the rhythm of empty and filled spaces which are characteristic of the façades, being its inclusion in already existing buildings conditioned to what is prescribed in the plan of safeguard and valuation;
- g) The construction of receded floors with or without access to terraces, shall not be authorized, as well as the utilization of slab or levelled coverings;
- h) If or when the original materials of the façade of antique buildings are damaged in an irreparable way, the use of modern materials in its repair or restore may be done, if from its application does not result any degradation of the formal characteristics of the building, its aesthetic and authenticity;
- i) The removal of plat bands, the opening of new empty spaces or the alteration of those already existing may only be authorized if it is foreseen in the plan of safeguard and valuation, having the external openings to be framed with local stone, with the usual dimensions, in such a way as to be properly outstanding from the plaster of the building by its relieve and colour;
- j) The external walls of the buildings shall be plastered with plain mortar, smoothly finished, straightened, not sandy, not being allowed the application of textured or shiny types of paints on the plasters or on the stone frames of the buildings;
- k) The ancient ceramic tiles which cover the external walls of the buildings or other walls ought to be maintained or restored;

- l) When the windows are of the guillotine type, they shall obey to the traditional design, characterized by the square or rectangular shape, being in this last case, the vertical dimension the longest one, with the window glass of small dimensions and separated by a casement of fine edges;
- m) When the windows are not of the guillotine type, they shall always open in two panels of equal dimensions, with or without a fixed part on top, a transom, and respecting the characteristics defined on the previous number, except if it is the case of replacement or utilization of other models equally traditional on the classified zone;
- n) The framework of the doors shall always be of one or two opening panels, in the last case of equal dimensions, with or without a fixed transom, with the glasses of small dimensions and separated by a casement of fine edges, except if it is the case of replacement or utilization of other models equally traditional on the classified zone;
- o) On the reparation, recovery, adaptation and restoration works on the buildings, always when considered unavoidable in order to maintain a convenient preservation of the original architectonic characteristics, the principal empty spaces of the façades, which have been subject to alterations introduced after the date of the conclusion of the new constructions, shall be replaced in the primitive dimensions and configurations;
- p) The stone balconies of the buildings shall be maintained as they are, not enlarging its salience in relationship to the superior plan of façade more than 0,45 m, in the case of adaptation involving enlargement, except when the plan of safeguard and valuation disposes differently, and they shall always be placed on the façades in such a way as to confer to the buildings the harmony and equilibrium which are a characteristic of the existing constructions, not being allowed its placement on the floor above the pre-existing façades on the piece of row corresponding to the side of the quarter where the building stands;
- q) The antique balconies' parapet in wood or forged or cast iron shall be preserved and painted on the traditional colours;
- r) The existing balconies' parapet with lookout openings shall never, in any case be removed, being its restoration mandatory;
- s) The existing antique gutters and the respective forged iron supports, as well as the wooden weatherboard, shall be preserved;
- t) The inclusion of any sort of window shade, in any kind of material, to be placed in the buildings' wall channels, existing in the classified zone, is forbidden;
- u) The covering of the façade and gable-end of the buildings with tiles, ceramics of any kind, marbles, rough plasters, metals of any kind, glasses, synthetic materials and plastics, concrete and all sorts of smooth and shining materials is forbidden;
- v) The application, on the empty spaces, of glasses as mirrors, opaque, rough or hammered, as well as all those which, by its colour or configuration may obviously harm the harmony of the building or of the involving zone, is forbidden;
- w) The inclination and orientation of the planes, the configuration, texture and colour of the roofs shall be maintained, having to keep, in the case of adaptation involving enlargement of the building, the same scale for the roof, shape, line and orientation of the majority of the roofs from the same zone, and specially, of the roofs from the neighbouring buildings;

- x) The roofs shall be covered with argyle tiles, in “tube” shape and brownish aged colour, with the eaves edge finishing either in a single or in double layer of tiles fixed with mortar;
- y) The antique chimneys still existing shall be consolidated and preserved.

Article 11th

Maintenance and repair

- 1 - The proceedings for the maintenance works shall be constant and systematic in order to prevent the need for latter deeper interventions, according with a strategy of integrated preservation of the building.
- 2 - The colour's palette to be used on the exterior of buildings and window and doors' frames is fixed by the detail plan of safeguard.
- 3 - The repair works on buildings shall be done with materials similar to those used originally in its construction, with the only exception for the use of contemporaneous materials when its quality and behaviours are proved, guarantying in that case that the easy identification of the intervention.
- 4 - On the pre-existing buildings, the frames for doors and windows shall always be done in painted wood, not being authorized the use of varnished wood.
- 5 - An exception to the previous number is open for the portals or large doors, as well as other decorative elements which are traditionally finished with varnish.

Article 12th

Recovery and restoration

- 1 - The recovery shall only be adopted when the processes of maintenance and repair are considered to be insufficient for the conservation of the build structure, but all the new elements introduced shall be easily identifiable.
- 2 - The recovery shall be oriented to bring into prominence the already existing and never to overlay it.
- 3 - The restoration, although intended to restore only parts of a building and not its entirety, shall be based on the respect for the existing, following a logic of interpretation of all architectonic and functional evidences found.
- 4 - On the processes of recovery or of restoration it is mandatory to use the constructive techniques and traditional materials, except when it becomes technically unfeasible.

Article 13th

Adaptation

1 - The adaptation of buildings shall only be authorized if it becomes essential for the continuity of its use or in cases when its preservation could not be effective through other means, being then all alterations reduced to the minimum needed and impeding any damages to the authenticity of the constructed structures.

2 - Permission for the adaptation of buildings shall be subordinated to what is prescribed by the detail plan for the safeguard concerning the possible uses for the building or for the zone where it is placed.

Article 14th

Demolition

1 - Without impairment of the processes of dissonance's elimination, the destruction or demolition of any built structure considered as representative of the patrimonial values to preserve shall only be allowed in case of technical ruin and only when the state of ruin be considered as irreversible.

2 - The demolition shall only be authorized after approval of the building's structure execution project which will replace the building or structure to be demolished.

3 - Exceptions to the previous number are the demolitions considered as needed for social security or protection, recognized as so by the member of the Regional Government with competency in cultural matters.

4 - In case of coercive demolition, in the application of the present diploma, the owner becomes obliged to proceed to the realization of the approved project for the building within the time frames decided for the demolition.

Article 15th

Reconstruction

1 - The reconstruction shall only be authorized in buildings or architectonic elements considered important for the re-establishment of the architectonic and urbanistic framing of goods of patrimonial importance.

2 - On the reconstruction of buildings partially or totally damaged, the structural, architectonic and formal characteristics of the original building shall be respected, utilizing whenever possible, the traditional materials, specially the ashlar stones framing the openings, on the pilasters, the socles and cornices, as well as in other existing ornaments.

3 - On the reconstruction of the buildings the ashlar stones which may, by any reason, have been completely damaged, shall be replaced by others similar in texture and colour, and its eventual substitution by imitations may only be authorized if from its application does not result aesthetic inconvenience for the rebuilt conjunct.

Article 16th

New constructions

1 - Over and above what is decided on previous numbers, on new constructions, being them for enlargement, adaptation or construction, the following shall be taken care:

- a) Special attention shall be paid to the construction of new buildings in order to guaranty that their architecture become harmoniously adapted to the special organization of the conjunct and also to guaranty their integration, namely in what concerns templates, colours, materials, shapes, rhythms of the façades and roof shapes, as well as proportions and positions;
- b) The existing common grounds shall be considered as integral part of the respective conjuncts, so that its occupation does not damage the typological characteristics;
- c) New constructions or enlargements shall retain the visual qualities of the urban space, thus constituting one more element of the conjunct, and not being detached from it, except if, by its function, this becomes desirable;
- d) Works oriented to change the use of the building shall respect its character and structure, avoiding to cause rupture of the existing architectonic typologies, thus needing to adapt the respective occupation programs to the architectonic conditionings.

2 - On the new constructions located at the classified zone, specially among antique buildings, the rhythm and dimensions of the openings shall be respected.

3 - Openings or empty spaces on the façades with dimensions superior to the traditional ones may be authorized in new constructions, if from there does not result aesthetic inconvenience for the building or does not compromise the architectonic equilibrium of the zone.

4 - In the case of construction of new buildings located among antique ones, it is mandatory that the empty spaces and commercial establishments' shop windows have the regular dimensions.

Article 17th

Equipments, anthems and other accessories

1 - The air conditioned equipments shall compulsorily through solutions of dissimulation which save the aesthetic and architectonic unity of the buildings.

2 - The placement of anthems of any nature, on the buildings' roofs and façades, as well as all the other accessories which, by its loading or configuration, may cause aesthetic damage for the buildings to which they are affected permanently, is forbidden.

3 - Tubes, wire nets or any other type of distribution or interconnecting nets shall not be placed as crossing the air space of the streets, squares, and other public spaces.

Article 18th

Valuation of the patrimony

1 - Over and above what was decided on previous numbers, the accomplishment of changes seen as convenient for the correction of anomalies resulting from works which may have damaged the characteristic aspect of the constructed conjunct within the area

of the classified zone, as well as those foreseeing the safeguard and valuation of the city's urbanistic and architectonic patrimony, may be promoted.

2 - On the interventions aimed at the valuation of the patrimony, of any kind, the architectonic elements considered relevant shall be compulsorily preserved, under what is established on the present diploma, or on the specific norms regarding the building or the zone of its implantation, defined on the planning instruments and ordering of the territory applicable, namely, in the plan of safeguard and valuation.

3 - The interventions to be effected on the terms of the previous numbers shall be authorized by the member of the Regional Government with competency in matter of culture, preceding the favourable decision, or by proposal of the Câmara Municipal.

Article 19th

Interventions on the protection zone

Over and above what has been specifically established by this diploma, to the interventions projected for the protection zone of the classified zone of Angra do Heroísmo, the rules legally fixed for the zones of protected buildings and classified conjuncts shall be applied.

Article 20th

Projects

1 - Without impairment of what has been decided on the article 45th of the Law Nr. 107/2001, 8th September, the results and projects of recuperation, restoration, adaptation, reconstruction and construction shall be mandatorily done and signed by architects legally recognized.

2 - A report on the interventions shall be presented on the conclusion of the same, describing the process followed and final results, in the terms of the Nr. 4 of the article 45th of the referred diploma.

Article 21st

Regional administration competencies

On the act of the tasks of safeguard and valuation of the cultural patrimony which are legally committed, competes to the autonomous regional administration:

- a) To exercise the competencies foreseen on the articles 51st to 54th of the Law Nr. 107/2001, 8th September;
- b) To run a previous binding report on the license and authorization process of any public works;
- c) To accompany and overview the execution of works and the fulfilment of what was established in the detail plan of safeguard;
- d) To cooperate with the local administration on the task of safeguard and valuation of the constructed patrimony.

Article 22th

Exempt public works

1 - Public works of any nature, including those promoted by public service concessionary entities, to take place on the classified zone and on the protection zone, regardless of its nature or extension, shall only be accomplished after favourable decision of the member of the Regional Government with competency in cultural matter, or the organism of the autonomous regional administration to which this competency has been attributed.

2 - The established on the previous number is applicable regardless of the existence or not existence of previous municipal license, or any other pronouncement of any other entity.

3 - To effect what is decided in the present article, the autonomous regional administration will dispose of a period of time of 60 days, counted after the date of reception of the process, to emit the decision.

4 - If ever the delivered elements are not sufficient to allow a pronouncement, the autonomous regional administration may solicit to the interested part the elements considered in need, restarting then the counting timing for the decision.

5 - If the required new elements are not delivered in the previewed time of 60 days after communicated to the interested part, this implicates the filing of the process, always when the fault can be appointed to the interested part and there may be interest on the public part on this decision.

6 - Those processes which have not received any favourable decision in due time, as fixed in previous numbers, may be considered as having had a favourable decision.

CHAPTER IV

Publicity and urban furniture

Article 23rd

Publicity regulation

1 - On the terms of Nr. 1 of the article 41st of the Law Nr. 107/2001 8th September, the accomplishment of inscriptions or paintings on the buildings and remainder constructed elements of the classified zone, as well as the fixing of posters or any other elements regarding publicity or divulging, out of the spaces specifically reserved for the case, is forbidden

2 - Publicity placement within the classified zone or protection zone, over and above what is prescribed, obeys to the following rules:

- a) The advertisements, sun blinds and other publicity materials fixed on the buildings shall become elements of valuation of the façade, without superpose or covering it excessively.
- b) Publicity materials shall be suggestive and have an individualized character in such a way as to contribute to the enrichment of the urban environment;

- c) For each commercial establishment only one straight, closing sun blind, with a traverse in front, one parallel advertisement fixed to the façade, or one advertisement in banner, for each façade confronting the public route;
- d) Except when deemed impossible, the elements referred on the previous number shall be fixed on the plan under the first floor and never attached to important architectonic elements composing the façade, as for example, the parapet balconies;
- e) The sun blinds shall have as a basic colour the white, a maximum projection of 1m when totally extended, never exceeding 3m on its maximum dimension parallel to the façade;
- f) The advertisements shall be executed in durable materials, resistant and with good aesthetic quality, such as varnished or painted wood, ionisable polished or brushed steel, forged iron, copper or brass;
- g) Advertisements performed in a box of plastic or alumina materials are not allowed, acrylic materials being accepted only in exceptional situations, well justified and of high aesthetic quality;
- h) The dimensions of the advertisements shall be adjusted to the local conditionings in order to prevent exaggerated dimensions or superposing to the reading of the buildings façade;
- i) The advertisements shall be illuminated by an external focus of light and not have their own illumination, in box or similar;
- j) In exceptional situations the utilization of neon tubs or other florescent elements may be authorized;
- k) The advertisements may not posed dynamic illuminating elements, as intermittent illumination, or of variation of colour or intensity;
- l) Information presented in big spots, in sun blinds or advertisements, of exaggerated dimensions, are not allowed;
- m) Publicity to products or brands in sun blinds or advertisements placed on the external walls of the building, shall only be accepted when dealing with stores in franchising situations and exclusively for the basic product or brand;
- n) Pharmacies, automatic bank boxes and other equipments or installations which should be specially signalled for easy location, may benefit of specific advertisement forms to be approved for each category, by the Câmara Municipal of Angra do Heroísmo.

3 - Under what was established on the previous number and other applicable legislation, it is from the responsibility of the Municipal Assembly to regulate, through disposition, the affixation of publicity or other informative material within the classified zone and protection zone.

4 - Without impairment of the fiscal competencies of the autonomous regional administration, it is to the Câmara Municipal de Angra do Heroísmo that competes to license the placement of the publicity and other informative material and overview the accomplishment of the established rules.

Article 24th

Urban material, illumination and esplanades

1 - The urban furniture to be utilized, the illumination and the placement of any kind of accessory objects, including those needed for the functioning of esplanades and similar structures, should not impair the reading of the architecture of the classified conjunct, contribute to the reduction of its quality and in any way interfere with the objectives of valuation and preservation of the cultural patrimony fixed on the present diploma.

2 - It is of the responsibility of Câmara Municipal to license the structures and equipments referred on the previous number, controlling its application, not being applied without a written license emitted by that entity.

CHAPTER V

Sanctions

Article 25th

Penalties

1 - The accomplishment of any works by singular or collective persons, without being preceded by the favourable report of the member of the Regional Government with competency on cultural matter, shall be punished by a fine between €500 and €50 000, in the case of a singular person, or of €2500 to €25 000, in the case of a collective person.

2 - Violation of what is disposed in article 23rd of the present diploma, in what refers the affixation of publicity, constitutes contra-ordination punishable with a fine of €100 to €5000.

3 - In case of renitence, the fines values will be elevated to the double.

4 - The attempt and the negligence shall always be punished.

Article 26th

Competencies to prosecute contra-ordination processes

1 - The entities competent for ordering the prosecution of a contra-ordination process and for the application of the corresponding sanctions are:

- a) The member of the Regional Government with competency in cultural matter, or the administrative director of the autonomous region in whom this competency was delegated;
- b) The president of the Câmara Municipal de Angra do Heroísmo.

2 - Always and when one of the authorities mentioned on the previous number has promoted the prosecution of a process, this impairs the other of doing the same, needing thus the entity starting the process to notify the other.

Article 27th

Destiny of the fines product

The product of the applied fines constitutes income of the following entities:

- a) When the process is started by the autonomous regional authority, the Fundo Regional da Acção Cultural;
- b) When the process is started by the autarchy, the income from the fines becomes its own.

Article 28th

Accessory sanctions

1 - Independent of the application of the fines referred on the 25th article, the member of the Regional Government with competency in cultural matter, or the president of the Câmara Municipal shall establish a limit time for the performing of the correction works needed, in accordance with the established on the present diploma.

2 - To the lack of the guilt execution of the works on the previewed time, as seen on the previous number, the sanction foreseen in the number 1 of the 25th article shall be applied.

Article 29th

Works embargo and demolition

1 - Any works taking place against what is disposed on the present diploma will be seized either by the autonomous regional administration or the municipal one.

2 - In the case foreseen on the previous number, the autonomous regional administration and the autarchy may substitute the owner and, to his costs, proceed to the correction of what was unduly done.

3 - The same faculty will be given to the autonomous regional administration and the autarchy if the works are maintained unfinished, without any justification, for a period of time superior to six months after the limit date established by the license of the work warrant.

4 - The values related to the expenses referred on numbers 2 and 3, when not paid voluntarily in the limit time of 20 days counting from the notification for the effect, will be collected on the terms legally established for the coercive payment of debts to the due entity.

CHAPTER VI

Final and transitory dispositions

Article 30th

Suppletive regime

1 - Always when the detail plan for the safeguard of the classified zone of Angra do Heroísmo shows not to be completely effective, interventions of the following nature should not take place:

- a) The alteration of the buildings and walls' alignment over the streets and common grounds and the respective levels and heights;
- b) The removal or alteration of the divisor walls between proprieties and of the tanks or fountains existing on the common grounds;
- c) The alteration of the architectonic and historic characteristics of the existing buildings, namely its implantation, its height, its volume and the configuration of its roof;
- d) The construction or alteration of attic windows and of other roof windows which may counteract the equilibrium and symmetry of the existing edifications as well as the rhythm of the empty and full spaces which characterize the façades;
- e) The alteration of the structural characteristics, architectonic and formal of the original building, including the remotion of plat bands and stone made balconies or the utilization of window frames not in wood;
- f) The destruction or simple removal of the stone masonry framing the openings, and of the pilasters, the indentations and corners, as well as other ornamental elements existing, namely the parapet verandas in wood and forged iron with lookout openings and the antique gutters and the respective forged iron supports;
- g) The alteration of the rhythm of the openings on the façades and their characteristics and dimensions, as well as the relationship between filled and empty spaces, not allowing that the useful wideness be superior of 1,1m or the useful height of 1,3 m in windows, and the doors with a height between 1,9 m and 2,2 m;
- h) The removal of antique tiles covering the external walls, the application of textured coverings and the utilization of colours out of the traditional ones;
- i) The application, on the empty spaces, of mirror glasses, translucent or hammered, as well as all the others which, by its colour or configuration, may openly damage the harmony of the building or of the involving zone;
- j) The alteration of the texture and colour of the roofs and the orientation of their plans, which should be covered with argyle tiles, in "tube" shape and brownish aged colour;
- k) The destruction of the old chimneys and the construction of plate level coverings in concrete, if its application may cause damage for the building's architectonic equilibrium or for the neighbouring buildings;

2 - The infringement of the disposed on the previous number constitutes motive for serious contra-ordination, punishable on the terms of the Nr. 1 of the article 25th of the present diploma.

Article 31st

Incentives to the conservation and valuation

1 - The Regional Government, in cooperation with Câmara Municipal, shall take the necessary measures to constitute incentives to the recuperation, maintenance and valuation of the classified zone of Angra do Heroísmo.

2 - By regulatory regional decree a specific program may be established to incentive the maintenance of the architectonic quality and the correction of dissonances, consigned to the classified zone and its protection zone buildings' owners.

3 - To guaranty and support the execution of the previous number and of the measures for the safeguard and valuation foreseen on the present diploma, contracts between the regional administration and the local administration may be established on the following areas:

- a) Elaboration and revision of the plan for safeguard and valuation;
- b) Investments on the renewal, consolidation and decoration of the streets, squares and sidewalks' pavements;
- c) Com-participation attributions for the recuperation, façades restoration, coverings and correction of architectonic dissonances;
- d) Study, promotion and valuation of the classified zone.

Article 32nd

Organic structure

In order to proceed to the attribution of competencies, which, on the scope of the present diploma, are conferred to the autonomous regional administration, the Regional Government shall introduce the needed dispositions on the content of the organic law of the department with competency in cultural matter.

Article 33rd

Public routes

Under the terms of the Regional Legislative Decree Nr. 18/2003/A 9 April, all public routes and its derivations, even when constructed through the autonomous regional administration, located within the classified zone and protection zone, with the exception of those on the limiting areas, are integrated on the municipal patrimony and make part of the municipal routes' net.

Article 34th

Transitory norms

1 - The organic law and office staff pertaining to the Gabinete da Zona Classificada de Angra do Heroísmo, approved by the Regional Regulatory Decree Nr. 7/2000/A 10th February are kept in force until the publication of the regional regulatory decree giving accomplishment to what is disposed on the article 32nd of the present diploma.

2 - Until the entrance in force of the diploma referred to Nr. 2 of the article 31st of the present diploma, the Regional Regulatory Decree Nr. 14/2000/A 23rd May is in force.

3 - The sun blinds, advertisements and other publicity materials placed within the classified zone of Angra do Heroísmo and not respecting the present regulation, shall be removed within the time limit of one year, counting from the entrance in force of the present diploma, or they will coercively be removed under the expenses of the user.

Article 35th

Cancellation

The following are cancelled:

- a) The Regional Legislative Decree Nr. 15/84/A 13th April;
- b) The Regional Legislative Decree Nr. 29/99/A 31st July;
- c) The Normative Dispatch Nr. 83/2000 18th May

Approved by the Regional Legislative Assembly of the Azores, Horta, 12th February 2004

The President of the Regional Legislative Assembly, *Fernando Manuel Machado Menezes*.

Signed in Angra do Heroísmo, in 12th March 2004-04-27

To be published

The Minister of the Republic for the Autonomous Region of Azores, *Álvaro José Brilhante Laborinho Lúcio*.

ANEXX 1

(Plant referred on Nr. 2 article 3rd)

Implantation of the classified zone of Angra do Heroísmo and its protection zone